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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NANO, SARGON N	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,689	SAH, ADAM D.	
	Examiner	Art Unit	
	Sargon N Nano	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *12 April2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on April 12, 2001. Claims 1-20 are pending examination. Claims 1-20 represent a method and apparatus for hosting network camera using multiple paths.

Drawings

2. New corrected drawings are required in this application because formal drawings are required. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

3. Claim1 is objected to because of the following informalities: in claim 1 line 2 add the word "and ' after the semicolon. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: in line 2 delete the comma and insert " ; and ". Appropriate correction is required.

Claim 4 is objected to because of the following informalities: in line 2 delete the word "and" at the end of the sentence. Appropriate correction is required.

Claim11 is objected to because of the following informalities: in line 2 add the word "and" at the end of the sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiu et al., U.S. No. 6,744,767.

As to claim 1, Chiu teaches a method of sending data to a client (see col.2 – col. 18), the method comprising :

sending the data through a first path to the client (see col.2 lines 20 –27, Chiu teaches data transmission through a pathway according to quality service that desired by client); periodically refreshing the data, the refreshing data sent through a second path to the client. (see col. 13, lines 40 – col. 14 lines 10 and col. 14 lines 55 – 61, Chiu teaches a method of communication with a client which periodically checks for an optimal path of communication. If a new optimal path is determined, the new path is set as optimal and database is updated to keep track of the update in the path).

As to claim 2, Chiu teaches the method further comprising:

determining if the first path is an optimal path, and if the first path is an optimal path, setting the second path equal to the first path.(see col. 14 lines 10 - 33 and col. 14 lines 55 – 61 and fig.9 Chiu teaches the optimal path which establishes connection in the network and determining the optimal path as the shortest path thus setting all other links to optimal connection).

As to claim 3, Chiu teaches the method further comprising:

determining if the first path is an optimal path, and if the first path is not the optimal path (see col.13, line 40 – col. 14 line 61, Chiu teaches quality and criteria for each path and the dynamic allocation of alternative path if selected fails in the network);

identifying the optimal path, and setting the second path to the optimal path. .(see col. 13, lines 40 –col. 14 lines 10 and col. 14 lines 55 – 61 Chiu teaches the identification of the optimal path as the shortest path for packet forwarding and setting other paths according to bandwidth allocation).

As to claim 4, Chiu teaches the method further comprising:

identifying an internet Protocol (IP) address of the client; and

determining if there is a cheaper equivalent path to the first path; and

setting the second path to the cheaper equivalent path, if it exists. (see col. 13, lines 45- col. 14, lines 1 - 2 Chiu compares the virtual leased line and whether the bandwidth allocated can accommodate the peak rate required by customer).

As to claim 5, Chiu teaches the method further comprising:

receiving feedback on a performance of the first path from the client 9 see col.5 , lines 61 – 67 Chiu teaches the feedback at node when the pathway is established); and

setting the second path to a path different from the first path if the feedback is negative. (see col. 2, lines 21 – 36 and col. 5, lines 61 – 67 Chiu teaches of mechanism supporting resources providing dynamic allocation of resources along alternative paths if selected path link fails in network).

As to claim 6, Chiu teaches the method further comprising:

altering the path based on the load. (see col. 13, lines 45 – col. 14 – line 4 and col.14, lines 21 –33 Chiu teaches load balancing in allocating the Virtual Leased Line service for each link determining the alternative path).

As to claim 7, Chiu teaches the method wherein the data is a container page and an image. (see col. 2, lines 21- 28 Chiu teaches the data flow of pathway where the data flow could be image, test or graphics).

As to claim 8, Chiu teaches the method wherein the image is refreshed at a first rate, and the container page is refreshed at a second rate, wherein the second rate

is slower than the first rate. (see col. 6, lines 38- 52 Chiu teaches the refreshing of data at a rate, which is dependent on the type of Leased Line service based on customer subscription).

As to claim 9, Chiu teaches the method wherein whenever the container page is refreshed, the container page may select a path for the image refresh. (see col. 6, lines 38- 65 Chiu teaches selecting an allocated bandwidth when refreshing a pathway and assign sufficient weight to Virtual Leased Line class).

As to claim 10, Chiu teaches the method wherein the path selected by the container page is optimized for cost and performance. (see col. 2, lines 21- 36 and col. 13 , lines 45 – 65 Chiu teaches the accommodation of peak rate required by customer for optimal cost and performance according to customer subscription).

As to claim 11, Chiu teaches an apparatus comprising:

a routing logic to route data to a client through a first selected path (see col.2, lines 20 – 27 Chiu teaches the transmission through a pathway service that desired by client);

a path setting logic to alter the selected path to a second path (see col.5 , lines 61 – 67 Chiu teaches if the connection fails at node then redirect the packet along alternative pathway); and

the routing logic to refresh the data through the second path . (see col. 13, lines 40 – col. 14 lines 10 and col. 14 lines 55 – 61, Chiu teaches a method of communication with a client which periodically checks for an optimal path of communication. If a new optimal path is determined, the new path is set as optimal and database is updated to keep track of the update in the path.).

As to claim 12, Chiu teaches the apparatus further comprising:

a client address analysis logic to determine whether the first path is an optimal path (see col. 4 lines 53 - 61 and fig. 9 Chiu teaches the optimal path which establishes connection in network and determining of optimal path as the shortest path thus setting all other links to optimal connection) ; and

if the first path is an optimal path, the path setting logic not altering the selected path. (see col. 13, lines 40 – col. 14 lines 10 and col. 14 lines 55 – 61, Chiu teaches a method of communication with a client which periodically checks for an optimal path of communication. If a new optimal path is determined, the new path is set as optimal and database is updated to keep track of the update in the path.).

As to claim 13, Chiu teaches the apparatus further comprising:

a feedback analysis logic to determine if the first path is an optimal path,

and if the first path is not the optimal path, identify the optimal path. . (see col. 13, lines 40 – col. 14 lines 10 and col. 14 lines 55 – 61, Chiu teaches a method of communication with a client which periodically checks for an optimal path of communication. If a new optimal path is determined, the new path is set as optimal and database is updated to keep track of the update in the path.).

As to claim 14, Chiu teaches the apparatus further comprising:

a client address analysis logic to identify an Internet Protocol (IP) address of the client; (see col.13, lines 29 – 36 Chiu teaches providing IP address of two points for communication).

a cost analysis logic to determine if there is a cheaper equivalent path to

the first path; and (see col. 13, lines 45- col. 14, lines 1 - 2 Chiu compares the virtual leased line with the bandwidth to determine the peak rate after adjustment).

the path setting logic to set the second path to the cheaper equivalent path, if it exists. (see col. 2, lines 21 - 36 and col.5 , lines 61 – 67).

As to claim 15, Chiu teaches the apparatus further comprising :

a feedback analysis logic to receive feedback on a performance of the first path from the client; and

the path setting logic to set the second path to a path different from the first path if the feedback is negative. (see col. 2, lines 21 - 36 and col.5 , lines 61 – 67).

As to claim 16 Chiu teaches the apparatus further comprising :

a feedback analysis logic to identify an optimal path based on load through each path.(see col. 13, lines 45 – 57 and col. 14, lines 21 – 33).

As to claim 17, Chiu teaches the apparatus wherein the data includes a container page and an image. (see col. 2, lines 21- 28 Chiu teaches the data flow of pathway where the data flow could be image, test or graphics).

As to claim 18, Chiu teaches the apparatus wherein the image is refreshed at a first rate, and the container page is refreshed at a second rate, wherein the second rate is slower than the first rate (see col. 6, lines 38- 52 Chiu teaches the refreshing of data at a rate which is dependent on the type of Leased Line service based on customer subscription).

As to claim 19, Chiu teaches the apparatus wherein whenever the container page is refreshed, the container page may select a path for the image refresh (see col. 6, lines

38- 65 Chiu teaches selecting an allocated bandwidth when refreshing a pathway and assign sufficient weight to Virtual Leased Line class).

As to claim 20, Chiu teaches the apparatus wherein the path selected by the container page is optimized for cost and performance (see col. 2, lines 21- 36 and col. 13 , lines 45 – 65 Chiu teaches the accommodation of peak rate required by customer for optimal cost and performance according to customer subscription).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (703) 305-4651. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308- 7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
Patent examiner / Art Unit 2157
8/9/2004

SALEH NAJJAR
PRIMARY EXAMINER